

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

JS 6

Case No. CV 10-1690 DSF (JCx)

Date 3/11/10

Title US Bank National Association v. Maria Neill

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order REMANDING Case to Superior Court of California, County of Los Angeles

This matter was removed from state court on March 9, 2010, based on federal question jurisdiction and diversity jurisdiction. The complaint filed by Plaintiff is a state law unlawful detainer complaint and does not state a federal cause of action. Defendant does not state a federal defense, but even if she did, federal jurisdiction is based on the plaintiff's complaint and not on any counterclaims or defenses that a defendant might assert. See Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-32 (2002). The discovery request cryptically referenced in the notice of removal does not confer federal jurisdiction. There is also no diversity jurisdiction. The notice of removal claims that the amount in controversy exceeds \$75,000, but the complaint clearly limits damages to \$10,000.

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.